

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GRACE ADAMS, <i>et al.</i> ,	:	1:12-cv-04640-KAM-LB
	:	
Plaintiffs,	:	<u>NOTICE OF MOTION</u>
	:	
v.	:	
	:	
US BANK, NA, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE THAT, upon the Second Amended Complaint, filed in the Supreme Court of the State of New York, County of Kings, on August 29, 2012 (and thereafter removed to this Court, and attached as Exhibit 1 to D.E. 1 herein), the Declaration of Jacqueline Lemma, and the accompanying Memorandum of Law and all prior proceedings heretofore had herein, Ally Bank (erroneously referred to in the caption herein by plaintiffs as “ALLY” and in the pleadings as “Ally, NA”) will move this Court, before the Honorable Kiyo A. Matsumoto, U.S.D.J., at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, for an Order, pursuant to Rules 8(a), 9(b), 12(b)(5), 12(b)(6) and 21 of the Federal Rules of Civil Procedure, dismissing the Second Amended Complaint, and each cause of action therein, as to Ally Bank, and for such other and further relief as the Court deems just and appropriate.

PLEASE TAKE FURTHER NOTICE THAT answering and reply papers, if any, shall be served in accordance with the terms of the Order of the Court entered in this action on September 26, 2012, which is set forth in pertinent part below:

In light of the reassignment of the related case 12-cv-4646-DLI-RER to the undersigned, the court adopts Judge Irizarry's order dated 9/21/12 in that case with respect to the scheduling of all defendants' (in both case) motions to dismiss or transfer venue. There is no need for a premotion conference in this case, but all parties in both cases should adhere to the undersigned's Individual Practice Rule IV.C as follows: (i) on or before October 5, 2012, all defendants (in both cases) shall serve their motion to transfer venue or dismiss; (ii) on or before October 26, 2012, plaintiff shall serve a response to all motions; (iii) on or before November 2, 2012, all defendants shall serve their replies; and (iv) on or before November 3, all parties shall file their respective motion papers on ECF and provide courtesy copies of the same to chambers. If plaintiff fails to respond to the motions, the motions shall be deemed fully briefed and unopposed. Additionally, all defendants' time to answer the complaint will be held in abeyance pending resolution of the motions.

Dated: October 5, 2012
New York, New York

OTTERBOURG, STEINDLER, HOUSTON
& ROSEN, P.C.

By: /s/ Richard G. Haddad
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